

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias

Subfile No. CHNU-002-0003B

MOTION TO CORRECT CLERICAL ERROR

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting a clerical error in the Consent Order filed November 21, 2006 (Docket No. 8460) in connection with defendant JUAN R. MONTAÑO REVOCABLE TRUST in subfile CHNU-002-0003B, and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. The “Source of Water” for the irrigated lands described in sub-part (B) of the Consent Order in this subfile was omitted from the order. The source of water for these lands is the Rio Nutrias, as correctly shown on the subfile map attached to the Consent Order.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order adding the description of the source of water for the lands described in sub-part (B) of the Consent Order filed November 21, 2006 (Docket No. 8460) as follows:

B. IRRIGATED LANDS (Surface Water Only):

Ditch: Unnamed Ditch No. 2

Source of Water: Surface Water of the Rio Nutrias, a tributary of the Chama River.

Dated: March 16, 2010

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of March 2010, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Juan R. Montaño Revocable Trust
c/o Ana Padilla
10405 Calle Contento NW
Albuquerque, NM 87114